

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 14390 of Robert H. and Corinne W. Michel, pursuant to Paragraph 8207.11 of the Zoning Regulations for a variance from the lot occupancy requirements (Sub-section 3303.1) to construct a garage in an R-4 District at premises rear of 322 8th Street, S.E. (Square 924, Lot 50).

HEARING DATES: January 15, March 19 and May 14, 1986  
DECISION DATE: May 14, 1986

**FINDINGS OF FACT:**

1. The application was filed on November 5, 1985. By letter dated November 6, 1985, the applicant requested expedited consideration of this application. On November 13, 1986, the Chairperson granted an expedited hearing on this case. The application was scheduled for the public hearing of January 15, 1986.
2. At the public hearing of January 15, 1986, a representative of the applicant requested that the public hearing be continued to the next available hearing date since the applicant was out of town. The Chairperson ruled that the case be continued. The application was rescheduled for the public hearing of March 19, 1986.
3. At the public hearing of March 19, 1986, a representative of the applicant requested that the public hearing be continued. The bases for the requested continuance was that revised drawings of the proposed garage had been prepared which would reduce the amount of variance relief required and revised computations by the Zoning Administrator based on the revised plans had not yet been received. The Chairperson ruled that the case be continued. The application was rescheduled for the public hearing of May 14, 1986. The Board limited consideration of the application to the revised plans submitted on April 25, 1986 and marked as Exhibit No. 32A of the record.
4. The subject site is located on the east side of 8th Street, between C and D Streets and is known as premises 322 8th Street, S.E. It is zoned R-4.
5. The site is rectangular in shape with a frontage of 17.41 along 8th Street and a depth of 109.8 feet, for a total lot area of 1,899.08 square feet.

6. The subject premises is located in the Capitol Hill Historic District and is currently improved with a two-story and basement, single family brick row dwelling.

7. The applicant proposed to construct a two-car, brick garage at the rear of the site. The proposed garage would be approximately ten feet in height and measure 17'4" wide by 21'8" deep. The dimensions of the proposed garage are adequate to accommodate the applicant's two vehicles but allow no room to maneuver around parked vehicles. Any further reduction in the size of the proposed garage would not meet the applicant's needs.

8. The applicant has experienced numerous security problems in the area of the site where the proposed garage would be constructed including loitering, arson, vandalism to and theft from vehicles parked in that area, and a mugging which resulted in the hospitalization of the applicant. Because of these incidents, the applicant and his wife park their vehicles on neighborhood streets. Construction of the proposed garage would reduce the demand for on-street parking in the neighborhood in an area where parking congestion has historically been a problem. The applicant is of the opinion that the construction of the garage would greatly reduce the security risks which currently exist in that area in that vehicles would be enclosed within a structure and access to the fenced rear yard would be directly from the garage.

9. The maximum lot occupancy permitted in the R-4 District is sixty percent or 1,139.45 square feet. The existing row dwelling occupies 870.5 square feet. The proposed garage is 375.54 square feet in area. The total lot occupancy proposed is 1,245.04 square feet. The applicant is seeking a variance from the lot occupancy requirements of 106.59 square feet or 9.35 percent.

10. The immediate neighborhood is primarily developed with single family row dwellings similar to the subject premises. There is a public school and related play area across 8th Street to the west of the subject site. The two properties immediately north of the subject site, namely 320 and 318 8th Street, S.E., are each improved with a row dwelling and a garage measuring approximately twenty feet in length. Across the alley to the east, each of the properties fronting on 9th Street north of the fifteen foot wide public alley are improved with row dwellings with garages averaging twenty-two feet in depth. The property immediately south of the fifteen foot wide public alley is improved with a row dwelling and a garage measuring approximately twenty-six feet in depth.

11. The site abuts a fifteen foot wide public alley to the south and a thirty foot wide public alley to the east.

Access to the proposed garage would be from the thirty foot wide alley to the rear of the site.

12. The width of the site is slightly narrower than the minimum requirement of eighteen feet in the R-4 District. Because of adjacent public space and rights-of-way on three sides and an adverse ownership on the fourth side, the applicant is unable to acquire additional land in order to reduce or eliminate the need for the requested area variance. Further, the existing improvements on the site can not be reduced in order to bring the site into compliance with the lot occupancy requirements.

13. The depth of the rear yard of the premises after proposed construction will be in excess of the twenty foot minimum rear yard requirement of the R-4 District. Due to the location of the site adjacent to two public alleys and the existence of garage structures on the immediately adjacent properties, the proposed garage will not affect adversely the provision of light and air to neighboring properties.

14. By memorandum dated May 6, 1986, the Office of Planning recommended approval of the application. The Office of Planning was of the opinion that the applicant met the test for an area variance set forth in Paragraph 8207.11.

15. Advisory Neighborhood Commission 6B, by memorandum dated January 8, 1986, opposed the granting of the variance as originally filed. No report of the ANC relative to the revised plans considered by the Board was submitted for the record.

16. The record contains several letters from neighboring property owners in support of the requested variance based on the attractiveness of the proposed garage and improved security in the alley.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some exceptional conditions of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the granting of the requested relief will not result in substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan.

The Board concludes that the applicant has met the burden of proof. The subject lot does not meet the minimum width


requirements of the R-4 District and the applicant is unable to acquire additional land to correct that deficiency nor can the applicant reduce the size of existing improvements to meet the lot occupancy requirements as set forth in Finding of Fact No. 12. The proposed garage as shown on Exhibit No. 32A of the record will not result in adverse impacts on neighboring properties as indicated in Finding of Fact No. 13.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Paula L. Jewell, William F. McIntosh, Lindsley Williams and Carrie L. Thornhill to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: JUL 3 1995

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.